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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,686	01/06/2005	Brian W. Botham	NOTAR-018US	9829
7590	08/04/2005		EXAMINER	
Kit M Stetina Stetina Brunda Garred & Brucker Suite 250 75 Enterprise Aliso Viejo, CA 92656			LIN, KUANG Y	
			ART UNIT	PAPER NUMBER
			1725	
DATE MAILED: 08/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,686

Applicant(s)

BOTHAM ET AL.

Examiner

Kuang Y. Lin

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1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The drawing is objected to in that the reference numeral "22" as set forth in claim 4 and the control and adjustment means in claim 7, respective, are not shown.

Correction is required.

2. The specification is objected to in that in page 1, lines 17 and 18, and page 7, line 7, "200+300", "2+3", and "0+5", respectively, shall be "200-300", "2-3", and "0-5". Same page, line 19, ")" shall be deleted. In pages 3, line 18 and page 4, lines 19 and 21, respectively, they refer to claims 1 and 7. Applicant is reminded to amend these portions of the specification when they amend the claims such that to commensurate with the scope of the claims. In page 5, line 27, it refers to box 7. However, in figure 2, the reference numeral refers a roll axis. Same page line 30, it refers to roll support device "11, 11'". However, the drawings shows otherwise. In page 9, line 14, it refers to "housing 22". However, the drawings do not show the reference numeral "22".

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3 "an ingot mould" shall be changed to "a mould" since the twin roll caster is for forming a continuous metal strip rather than for an ingot. In claim 3, the meaning of "recovering displacement" is not clear.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukase et al. and further in view of either Sawada et al or LaTour.

Fukase et al. substantially show the invention as claimed except that two pairs of roll supports 104 are mounted on the roll cassette frame 102 by means of linear bearings 106 instead of hydraulic bearing. However, both of the secondary references show that it is conventional to provide a hydraulic bearing between two relative moving parts such that no force is transmitted between the parts. It would have been obvious to use the hydraulic bearing of the secondary references in the twin caster of Fukase et al. in view of the advantage.

7. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukase et al. and further in view of either Sawada et al or LaTour as applied to claim 1 above, and further in view of Steger.

Steger shows that the magnetostrictive actuator is rapid in response and cost effective than the conventional moving means. It would have been obvious to use the

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magnetostrictive actuator of Steger in the apparatus of Fukase et al. in view of the advantage.

8. Claims 3-6 contain allowable subject matter and will be allowed upon the objection to the drawing and the specification, and the rejection to the claims supra are overcome.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X. Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kuang Y. Lin
Primary Examiner
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